

### **REMARKS**

Claims 2-5, 7-9, 11 and 21-25 are pending in the present application. Claims 1, 6, 10 and 12-20 were canceled, without prejudice. Claims 2-5, 7-9, and 11 were amended in this response, and new claims 21-25 were added. Amended claims 2 and 11 are independent claims in the present application. No new matter was introduced as a result of the amendments. Support for the amendments may be found, for example on page 20, line 11 – page 23, line 27. Entry of the amendments and favorable reconsideration is earnestly requested.

Claims 1, 2, 5-6, 8-9, 12-13 and 19 were objected to for informalities. In light of the present amendments, Applicant submits the objectionable matter has been addressed. Withdrawal of the objections is earnestly requested.

Claims 1-3, 5-7, 10-14 and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by Guerin et al. (US Patent No. 6,377,546).

Claims 4 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Guerin et al. (US Patent No. 6,377,546) in view of Spinney et al. (US Patent No. 6,426,943).

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kesavan (US Patent Pub. 2004/0062200) in view of Spinney et al. (US Patent No. 6,426,943).

Claims 17 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Guerin et al. (US Patent No. 6,377,546) in view of Kesavan (US Patent Pub. 2004/0062200).

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guerin et al. (US Patent No. 6,377,546) in view of Spinney et al. (US Patent No. 6,426,943) and further in view of Kesavan (US Patent Pub. 2004/0062200). In light of the present amendments and remarks submitted below, Applicant believes the rejections are traversed.

Specifically, the cited art, alone or in combination, fails to teach or suggest the features of the features recited in independent claim 2 (and similarly recited in claim 11) that include “a group judging unit for judging whether or not the received packet belongs to a multiple addressing group including packets of which destination address is one of (1) a broadcast address, and (2) a multicast address; a group analyzing unit that subdivides the received packet, when it is judged to belong to a multiple address group, into groups based on information added to the received packet, said information comprising at least one of a VLAN tag, Ether type, and MPLS label,” as well as “a counter, provided for each of the subdivided groups, for indicating a

storage capacity of specified packets belonging to each of the subdivided groups . . . and a starting unit that starts, if the counter exceeds the threshold value provided for the subdivided group associated with the counter, a forwarding restriction of the specified packets belonging to the subdivided group associated with the counter.”

Under the claimed configuration, restrictions may be made on specified packets, such as broadcast or multicast packets, to alleviate the problems of a “broadcast storm”, which are generally discussed in paragraphs [0002] and [0009-12]. In contrast, Guerin discloses systems and methods for providing a quality of service to individual or a group of flows within a router without relying on schedulers to arbitrate between packets waiting for transmission (see col. 1, lines 6-10; col. 4, lines 58-65). Guerin teaches that “a flow or stream is a sequence of packets originating from an application on a source and terminating in an application on a destination” (col. 4, lines 63-65).

Accordingly, Guerin discloses, in the embodiment of FIG. 5, the processing of received packets:

The first operational **step 42**, classifies the received packet to one of a multiplicity of previously accepted (e.g. granted rate requests) packet streams n, where n is an integer in the range 1 to N. **Step 44** is a decision step which determines whether the addition of the currently received packet in bytes to the buffer does not exceed a first threshold, the maximum buffer size in the illustrative embodiment. If so, the process continues at **step 46**, otherwise, the packet is dropped at step 56 and the process terminates at **step 58**. **Step 46** represents a second decision step where a determination is made as to whether the addition of the packet in bytes to the pre-determined portion of the buffer dedicated to stream n, associated with the packet, is less than or equal to a second threshold. In the illustrative embodiment, the second threshold represents the maximum number of bytes allocated to stream n in the buffer. If the packet addition exceeds the second threshold at **step 46**, process continues at **step 48** (col. 10, lines 2-19).

Since the packets in Guerin are processed using a FIFO queue or a Weighted Fair Queuing scheduler for a sequence of packets (see col. 10, line 65 – col. 11, line 7), each received packet is only analyzed to see if it belongs to a particular stream that was previously accepted. Hence Guerin does not disclose “whether or not the received packet belongs to a multiple addressing group including packets of which destination address is one of (1) a broadcast

address, and (2) a multicast address” as presently claimed. It follows that, since Guerin fails to address multiple addressing groups, Guerin also fails to teach or suggest subdividing the received packet, “when it is judged to belong to a multiple address group, into groups based on information added to the received packet.” Furthermore, counters are typically used for determining packet counts for broadcast packets in the context of “broadcast storms” (see present application, [0002], [0014], [0058], *et seq.*). The present claims recite that a counter for each of the subdivided groups, that indicates a storage capacity of specified packets belonging to each of the subdivided groups, where a starting unit starts a forwarding restriction of the specified packets belonging to the subdivided group associated with the counter, if the counter exceeds the threshold value provided for the subdivided group associated with the counter. As discussed above, Guerin fails to teach or suggest such a configuration. For at least these reasons, Applicant submits the rejection under 35 U.S.C. §102 is traversed and should be withdrawn.

Additionally, none of the other cited references teach or suggest the configuration recited in independent claims 2 and 11. For the same reasons, Applicant submits the rejections under 35 U.S.C. §103(a) are overcome and should be withdrawn. Accordingly, an early Notice of Allowance is earnestly requested. If any fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 50-1290. If such a deduction is made, please indicate the attorney docket number (100794-00597 (FUJY 21.106)) on the account statement.

Respectfully submitted,

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